

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2330 OF 2004

Akdas Gulam Mustafa Khotal ...Petitioner

Versus

The Special Executive Magistrate

& Anr. ...Respondents

.....

Mr.Sunil Padwal i/b Mr.H.A.Solkar for Petitioner.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondents.

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CORAM: A.M.KHANWILKAR, J.

MARCH 15, 2005.

P.C.

1. Heard Counsel for the parties.

2. The Petitioner has rushed to this Court, questioning the show-cause notice issued by the appropriate Authority initiating action of chapter proceedings under Section 111 of Criminal Procedure

Code against the Petitioner.

3. The appropriate course, is to keep all the contentions open and relegate the Petitioner to contest the said proceedings by submitting detail response to the show-cause notice received by him.

4. Counsel for the Petitioner, however, submits that all the relevant documents have not been furnished to the Petitioner. If it is so, the Petitioner can always apply to the competent Authority to furnish relevant documents, to enable him to effectively defend the proceedings and if such Application is filed, the Authority will, in turn, consider the same and pass appropriate orders. Ordered accordingly.

5. Counsel for the Petitioner further argued that the Petitioner is being called upon to execute bond during the pendency of the chapter proceedings. This submission is ill-founded. Question of executing bond in terms of the show-cause notice will arise only after final order is passed by the competent Authority. Mere

reference to requirement to execute bond in the show-cause notice, does not mean that the Petitioner has to execute bond before final decision is taken by the competent Authority.

6. Accordingly, this Petition is disposed of, leaving all questions open. The Authority may proceed against the Petitioner in accordance with law.

A.M.KHANWILKAR, J.